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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,335	09/30/2003	Marc F. Stein		4039

7590 04/07/2008
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EXAMINER

OJIAKU, CHIKAODINAKA

ART UNIT	PAPER NUMBER
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4194

MAIL DATE	DELIVERY MODE
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04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/673,335	Applicant(s) STEIN ET AL.	
	Examiner CHIKA OJIAKU	Art Unit 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). Applicant refers to Fig. 3 in Fig. 2, however there is no Fig. 3 included in application. Appropriate corrections are requested.

Claim Objections

Claim 1-2 are objected to because of the following informalities: They begin with the phrase "The process or The method or The system..." Independent claims begin with "A method" or "A process" or "A system". Also, all claims should end a period. Appropriate corrections are requested.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-12, 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Claims 1-12, 13-19 recite “the process and system of claim...” which makes the actual statutory category claimed unascertainable. Appropriate corrections are requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Barton*, United States Patent No. 6,164,533.

Claim 1

Barton discloses the use of a debit card (functional equivalent of cash- sufficient funds must be available for transaction to be approved) and the **conversion of cash sale transaction residuals/savings/IRA contribution into electronic format at the point of sale** (see col. 5 lines 44 through col. 6 line19; Fig. I elements 5-12).

Claim 2

Barton discloses the use of a debit card (functional equivalent of cash) for the **point of sale conversion of cash sale transaction residuals/IRA contribution into electronic format** (see col. 5 lines 44 through col. 6 line19; Fig. I elements 5-12).

and Summary of the Invention) for **electronic transfer and deposit into accounts with banks** or other financial institutions (see also **col. 6 lines 7-33; Fig. 6 element 28**);

Claim 3

As to claim 3 the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 5 lines 44 through col. 6 line 19; Fig. 1 elements 5-12** wherein the electronically converted change/savings contribution is **electronically transferred and deposited into the cash purchaser's accounts** with banks or other financial institutions at the point of sale at **col. 6 lines 7-33; Fig. 6 element 28**.

Claim 4

As to claim 4 the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 1 line 66 through col. 2 line 8** where the card reading device at the point of sale is used to read the card, identify the holder and directs the transfers of IRA savings/residuals accordingly.

Claim 5

As to claim 5, the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 1 line 66 through col. 2 line 8; col. 6 lines 7-33**.

Claim 15

As to claim 15, the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 5 lines 30-32; col 10 lines 7-17** (deposit/savings account).

Claim 16

As to claim 16, the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 5 lines 44 through col 6. line 10** where **account is an investment account**, including retirement accounts such as IRA accounts.

Claim 17

As to claim 17, the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 6 lines 49 through col 7 line 13** (**account is an investment account, including higher education savings**).

Claim 18

As to claim 18, the invention is disclosed as claimed. See the discussion of claim 2 and *Barton* at **col. 8 lines 60 - 63** (account linked to **charitable organization's account** for direct electronic donation to said charitable organization).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barton*, United States Patent No. 6,164,533.

Claim 6

As to claim 6 the invention is substantially disclosed as claimed. See the discussion of claim 2. However does not explicitly disclose vendor's fees for services provided, however, Official Notice is taken of the well recognized practice for service providers/financial institutions to charge fees for extra or different services.

For example, Paypal might charge a few more dollars in addition to the price of the good or service for providing more secure payment channel for goods and services provided by the merchants that subscribe to their service.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify *Barton* such that vendors or financial institutions would provide the added service of collection, identification and transfer of the savings/residuals at an extra charge to the interested parties/accountholder/financial institution. The motivation would be to additional revenue stream, maintaining the integrity of the financial transaction system and limiting the exposure of the parties to fraud.

Claim 7

As to claim 7, the invention is substantially disclosed as claimed. See the discussion of claim 2 and 6 (vendor **charges a fee to the bank**).

Claim 8

As to claim 8 the invention is substantially disclosed as claimed. See the discussion of claims 2, 6-7 (**vendor charges a fee to the individual account holder**).

Claim 9

As to claim 9 the invention is substantially disclosed as claimed. See the discussion of claims 2, 6-7 (**vendor charges a fee to the bank or financial institution**).

Claim 10

As to claim 10, the invention is substantially disclosed as claimed. See the discussion of claims 3 and 6 (**bank or other financial institution** charges a fee for such transfer and deposit to the individual account holder).

Claim 11

As to claim 11 the invention is substantially disclosed as claimed. See the discussion of claims 3 and 6 (**bank or other financial institution** charges a fee for such transfer and deposit to the vendor).

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Claims 12-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Barton*, United States Patent No. 6,164,533 in view of *Urquhart et al.*, United States Patent No. 6,129,275.

Claim 12

As to claim 12, the invention is substantially disclosed as claimed. See the discussion of claim 2. *Barton* does not explicitly disclose **accounts with the banks** or other financial institutions generated and **opened by individuals and banks** or other financial institutions through the **use of automated and transactional readable card dispensing kiosks** that are linked to telecommunications networks and to the bank or other financial institution through the telecommunications network.

Urquhart discloses a stored/bank **automated and transactional readable card dispensing kiosks** at **Abstract; Fig. 1 and Background of the Invention**.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the conversion and electronic transfers of savings in *Barton* with the dispensed bank cards linked to the issuer/financial institution in *Urquhart*, such that swiping the cards through the card readers in *Barton* would provide the link to the appropriate accounts to which the elected deposits should be made. The motivation would be to protect against compromising the integrity of the financial system and to enhance accountability and efficiency of the system.

Claim 13

As to claim 13, the invention is substantially disclosed as claimed. See the discussion of the **article of manufacture** as set forth in claim 12 for an automated and transactional readable card dispensing kiosk that is linked to telecommunications network (see *Barton* at *col. 6 lines 32- 51*), and facilitates the generation and opening of an individual account with a bank or financial institution linked to the automated and transactional readable card dispensing kiosk (see *Urquhart* at **Abstract; Fig. 1 and Background of the Invention**).

Claim 14

As to claim 14, the invention is substantially disclosed as claimed. See the discussion of claim 12 and *Urquhart* at Figs. **7c and 7d** where the **balances linked to the card are displayed**.

Barton does not explicitly disclose the automated card dispensing kiosks displaying account balances. *Urquhart* **does explicitly disclose displaying balances of an individual's account(s)** with the banks or other financial institutions by the automated and transactional readable card dispensing kiosks that are linked to telecommunications networks.

Official Notice is taken of the old and recognized practice of viewing account balances on a display. For example, ATM machines have card readers that allow the customer to access account information by user completing certain authentication step prior to display on monitor.

It would have been obvious to one skilled in the art at the time of the invention to modify the invention of *Barton* and *Urquhart* such that the card readable kiosk would display account information, thereby providing the user with an array of account management options (see also *Barton* at **col. 6 lines 32- 51** providing user options for account managements) including display of associated account balances.

Claim 19

As to claim 19, the invention is disclosed as claimed. See the discussion of claims 2, 12 and 14 and *Barton* at **col. 6 lines 32- 51** wherein accountholder has access to manage and monitor account through a website/internet browser.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKA OJIAKU whose telephone number is (571)270-3608. The examiner can normally be reached on Monday through Friday 7.30 am to 5.00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chika Ojiaku/
Examiner, Art Unit 4194
4/2/2008.

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194